

**CALIFORNIA STATE
LANDS COMMISSION**

CRUZ M. BUSTAMANTE, *Lieutenant Governor*
STEVE WESTLY, *Controller*
MICHAEL C. GENEST, *Director of Finance*



EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, Executive Officer
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
Voice Phone 1-800-735-2922

STAFF PROPOSED**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION REGARDING
ALTERNATIVES TO COPPER-BASED ANTI-FOULING PAINTS**

WHEREAS, to prevent reduced maneuverability, increased drag and corrosion, and decreased fuel efficiency, copper-based paints are commonly used to prevent marine organisms from becoming attached to the hulls of commercial and recreational vessels; and

WHEREAS, as of December 2005, there were 965,892 registered recreational vessels in California, of which 8,000 alone are moored in San Diego Bay; and

WHEREAS, San Diego Bay has been declared an “impaired water body” by the San Diego Regional Water Quality Control Board because of the concentration of copper in the water column that has resulted from the passive leaching of copper from biocide/anti-fouling paints coating vessel hulls, estimated at 2 ½ tons annually in the Shelter Island Yacht Basin alone; and

WHEREAS, the concentration of copper in the waters of San Diego Bay is four times greater than the concentration at which other marine organisms - muscles, oysters, sea urchins and scallops – suffer mortality and such concentration is nearly ten times greater in Newport Bay; and

WHEREAS, similar high concentrations of copper in the water column have been found in other coastal recreational boat harbors – Marina del Ray, Oceanside, Dana Point, Santa Barbara, and Morro Bay; and

WHEREAS, concern exists that the suspended copper will ultimately be incorporated into the sediments, which could necessitate a toxic cleanup of monumental proportions and cost; and

WHEREAS, the U.S. Environmental Protection Agency and the State Water Resources Control Board funded the UC Sea Grant Extension Program during 2002-03 to study non-toxic hull paints; and

WHEREAS, studies funded by the Sea Grant program suggest that non-toxic paints reduce some costs because they did not require reapplication as frequently as copper-based paints but that maintenance costs were increased because the non-toxic paints did not repel hull-fouling organisms and more frequent hull scraping was required, but further study has been limited by expiration of funding; and

WHEREAS, the State Water Resources Control Board, on September 22, 2005, adopted the San Diego Water Board's proposed Total Maximum Daily Load (TMDL) of copper that would be allowed to enter the waters of the Shelter Island Yacht Basin in San Diego Bay and further resolved to work with the San Diego Water Board and all other coastal Regional Water Boards to "develop a state policy for water quality control to address water quality impairments in coastal marinas from copper-based antifouling paints" if the USEPA and the State Departments of Pesticide Regulation, in conjunction, do not address this issue within two years of the above described action; and

WHEREAS, the development of effective, cost-efficient alternative hull paints will be facilitated through the adoption of a statewide TMDL for copper; and

WHEREAS, the environmental and boating communities of San Diego Bay are working cooperatively to address the influx of copper from passive leaching from biocide/anti-fouling hull paints into the waters of San Diego Bay, and

WHEREAS, hull-fouling organisms may be an important source of the transmission of non-indigenous invasive species into and within California waters and alternative coatings could have adverse impacts on water quality, therefore, be it

RESOLVED, by the California State Lands Commission that it recognizes and commends the ongoing efforts of the environmental, boating, regulatory and academic communities to evaluate and transition from copper-based paints to paints that are not toxic to the environment for coating vessel hulls; and be it further

RESOLVED, that the Commission urges the U.S. Environmental Protection Agency, State Water Resources Control Board, and the California Department of Pesticide Regulation to accelerate their efforts to regulate copper-based paints, which could include, but not be limited to, a phased elimination of the use of such paints in California; and be it further

RESOLVED, that the Commission urges the California Department of Boating and Waterways to develop an outreach program to yacht brokers, other retail recreational vessel retailers, and marine supply outlets to educate them about the impacts of copper-based paints and the availability of non-toxic alternatives and encourage them to make such non-toxic paints available to the boating public; and be it further

RESOLVED, that the Commission urges the State Department of Motor Vehicles, in conjunction with the UC Sea Grant Extension Program, to develop a brochure that would educate the boating public about the impacts of copper-based paints and the availability of non-toxic alternatives and include such brochure in its mailings of recreational vessel registration materials; and be it further

RESOLVED, that the Commission urges that additional funding be provided to continue research into alternative methods to copper-based paints for the prevention of hull-fouling while considering associated impacts from invasive species introductions and to water quality; and be it further

RESOLVED, that the Commission's Executive Officer, transmit copies of this resolution to the U.S. Environmental Protection Agency, the California Ocean Protection Council, the State Water Resources Control Board, the Department of Pesticide Regulation, the Department of Boating and Waterways State Department of Motor Vehicles, and the UC Sea Grant Extension Program.